[Sri A. B. Shetty] [1st April 1955

Madras, has arranged necessary assistance of surgical treatment at Tellicherry, offering even the required free transport. The village is thus being kept under the closest supervision possible with one Health Inspector always available at the spot, supervisory officers inspecting the place quite frequently, and food supplements freely offered to all in need. The local people have also been privately and publicly proclaiming their gratitude for the assistance offered and the relief they are enjoying. Thus, it may be seen that all that is possible has been done and this programme of relief on foot will be pursued as long as necessary. However, in the case of a progressive disease like trachoma, the few chronic sufferers of long duration, even of 30 to 40 years in certain of the cases, the damage done to the eyes by their own long neglect, is really irrepairable, and nothing spectacular can be done in these cases by human efforts. Attempts to help early cases against relapse and to relieve their suffering by medical or surgical treatment, are under way.''

III.—GOVERNMENT MOTIONS *RE*

(1) RECOMMENDATION OF THE COUNCIL TO NOMINATE FIVE MEMBERS TO BE ASSOCIATE MEMBERS OF THE PUBLIC ACCOUNTS COMMITTEE.

10 a.m. THE HON. SRI C. SUBRAMANIAM :—" Sir, I move—

' *That this House recommends to the Legislative Council that they do nominate five members from the Council to associate with the Public Accounts Committee of this House for every financial year and communicate to this House the names of the members so nominated.*'

In moving this resolution I want to say a word of explanation. It is not the intention that those members coming from the Council will be given the privilege of voting along with the members of this Assembly forming the Public Accounts Committee. They will be only associated with the work of the Committee and their experience and their talents will be available to the Committee in presenting its report. It is not the intention that they should be given the power of voting in the Committee. They will be merely associates and their suggestions would be taken into consideration by the members of the Public Accounts Committee to reach a decision. That is all.''

MR. SPEAKER :—" Motion moved—

' That this House recommends to the Legislative Council that they do nominate five members from the Council to associate with the Public Accounts Committee of this House for every financial year and communicate to this House the names of the members so nominated.' ''

* SRI S. SWAYAMPRAKASAM :—" On a point of order, Sir. I do not know under what rule the Hon. Leader of the House moved this resolution. That is one point. There is no rule in our Rules of Procedure permitting the moving of such a resolution.

On principle also, it is out of order. I think of late there is a sort of tendency on the part of Government to have the Upper House people in almost all the Select Committees and other Committees and that means that those people alone are fully competent to go into those questions. That is another point. Moreover the Public Accounts Committee is going to deal with financial matter, which is purely a matter which only this House can consider. There is no point in having the Members of the other House, who have nothing to do with financial matters. On financial matters only this House alone has the authority to discuss the same. Therefore in view of all these things, I think the motion moved by the Leader of the House is out of order."

* SRI M. KALYANASUNDARAM :—" Apart from the point of order raised by my friend Mr. Swayamprakasam, even if the motion is allowed, I want to oppose the motion . . ."

* SRI K. VINAYAKAM :—" On a point of order, Sir. I am strengthening the point of order raised by Mr. Swayamprakasam. (Laughter.) The work to be turned out by the Public Accounts Committee is absolutely the privilege of this House, that is, the Assembly. Under no circumstances the members of the other House could have the privilege of sitting on this Public Accounts Committee. Therefore if we allow this motion to be passed by this House, we will be setting up a bad precedent which will be an unhealthy convention in future."

SRI K. P. GOPALAN :—" I want to support the point of order raised. According to rule 171 of the Assembly Rules, it is said that the members of the Public Accounts Committee *shall* be elected by the Assembly from among its members according to the principle of proportional representation by means of single transferable vote. Our rules are therefore very clear. The members of the Public Accounts Committee shall be elected from the Assembly only. Similarly the elected members are responsible to *this* House. So the point of order raised is very clear and I think the Hon. Finance Minister is not right in having moved his motion. With these words, I support the point of order raised."

* SRI M. KALYANASUNDARAM :—" I too feel that this motion is not in order. So far as the State Legislature is concerned, the Council and the Assembly are placed on different footings under the Constitution. As it will be seen from Article 198 of the Constitution, no Money Bill could be moved in the Council ; and the Council of Ministers are responsible only to the Assembly. That is also made definite under the Constitution. So the Assembly is on an entirely different footing from that of the Council. In our rules we have said that this Public Accounts Committee is a committee of the Assembly. It is a committee which deals with scrutiny of accounts. How can in a committee of such kind, the members of the other House be associated as Members? If at all the

Members of the other House could be associated with the committee in any manner, it may be as witnesses or anybody who wants to make a representation. They can come only in that capacity, if at all they can be associated with the committee.''

* Dr. K. B. MENON :—'' I have my serious doubt whether the resolution will not be trespassing upon the rights and privileges of this House as far as financial matters are concerned. The Demands for Grant are not discussed by the other House but they are discussed only in this House. The doubt in my mind is whether we shall not be encroaching upon the financial control of this House if we co-opt members from the other House. Financial control should be vested only in the hands of this House. By appointing Members of the Council on the Public Accounts Committee, we will be conferring new powers on the Council and diluting ours at the same time by associating in it some Members of the Council? I would also like to have a clarification from the Hon. Finance Minister whether he expects these Members only to have the status of visitors, when they have no privilege of voting.''

Mr. SPEAKER :—'' First of all, I will clear the point of order. Then I will . . .''

Sri T. C. NARAYANAN NAMBIAR :—'' On a point of order, Sir . . .''

Mr. SPEAKER :—'' I must tell Sri T. C. Narayanan Nambiar that whenever he raises any point of order, he is raising with his fists clenched (the Speaker exhibited the mannerisms of Sri T. C. Narayanan Nambiar). Let me tell Mr. Nambiar, not to lose his temper. I will hear him patiently. I am anxious to hear him. Let him not lose his temper.'' (Laughter.)

Sri S. SWAYAMPRAKASAM :—'' I want to know how mannerisms would be recorded, Mr. Speaker.'' (Laughter.)

Sri T. C. NARAYANAN NAMBIAR :—'' I am very grateful to the cordiality shown towards me by you, Mr. Speaker. Of course I am young and I believe I will be a rising parliamentarian. (Laughter.) I am very grateful to you, Mr. Speaker, in giving me such valuable advice about my mannerisms.''

Sri S. PANCHAKSHARAM :—'' May I know how young he is, Sir? ''

10-1 a.m. Sri T. C. NARAYANAN NAMBIAR :—'' This resolution, though not intentionally, will amount to an encroachment upon the prerogative of this House. I read a news item in the press that the other House . . .''

Mr. SPEAKER :—'' The hon. Member should not go into what happened in the other House. We are to be deaf so to say with regard to what happened in the other House. According to the parliamentary practice, we should not refer to the proceedings

1st April 1955] [Mr. Speaker]

of the other House as there is nobody here representing the other House to defend it. The hon. Member will do well to confine his remarks to the resolution before the House.''

SRI T. C. NARAYANAN NAMBIAR :—'' Mr. Speaker, the adult voters of this State have elected their representatives and we are here in this House as those representatives. The Members of this House are quite confident and the people who have elected us are also quite confident that we are competent enough to scrutinize the accounts without the assistance from outside. Therefore it is I say that it is an encroachment upon the prerogatives of this House. I hope the Hon. Speaker will give a ruling to that effect.''

THE HON. SRI C. SUBRAMANIAM :—'' Mr. Speaker, I want to say this much by way of personal explanation. As Leader of the House, I am aware of the privileges of this House and I will be the last person to allow the privileges of this House to be encroached upon in any manner. I am alive to the privileges of this House to the same extent as any other hon. Member, if not more. It is not as if we are giving them any power to encroach upon the powers of this House. Sir, an analogy was quoted that the other House was not entitled to vote in the case of the Budget. But, the Appropriation Bill has to be considered and voted upon by the other House also. Only when it is voted upon and sent back here, it will come into force. We are not giving them power to take any decision in the matter. They will only take part in the proceedings of the Committee and will have absolutely no power whatsoever to influence the Committee's decision as such in any way. Therefore the power of this House will be there and there is no question of its being in any way interfered with. As I said, they will have no power to influence the decision of the Committee as such in any manner. Under these circumstances, I do feel that as far as the point of order is concerned, it is not a point of order. If a precedent is necessary, I may state that even the Lok Sabha has agreed for the association of the Members of the Rajya Sabha with the Public Accounts Committee. Therefore, I do not think there is any point of order.''

MR. SPEAKER :—'' Regarding the point of order, I am not surprised that hon. Member Sri Swayamprakasam has raised it and some other hon. Members have supported it. A similar motion was moved in the Lok Sabha and I will read it for the benefit of the hon. Members. This is the motion—

'That this House recommends to the Council of States that they do agree to nominate seven members from the Council to associate with the Public Accounts Committee of this House for the year 1954–55 and to communicate to this House the names of the members so nominated by the Council.'

I would now like to read the ruling of the Speaker, Mr. Mavlankar. It will be of some use to us here . . .''

* SRI M. NARAYANA KURUP :—" Sir, the Hon. Minister in his reply has mentioned a very important point, viz., the practice followed in the Lok Sabha. It is rather unusual to mention such an important point while replying, because we will have no opportunity to meet the point mentioned by the Hon. Minister."

MR. SPEAKER :—" I am unable to understand what the hon. Member says."

* SRI S. SWAYAMPRAKASAM :—" This is what the hon. Member Mr. Kurup says, Sir. The Hon. Minister while replying to the points said that there was a precedent for such a motion as the one moved by him, viz., the Lok Sabha's agreeing to have the Members of the Rajya Sabha on the Public Accounts Committee of the Lok Sabha. As this point was mentioned in the reply of the Hon. Minister, the other hon. Members will have no opportunity of replying to that aspect."

THE HON. SRI C. SUBRAMANIAM :—" Sir, I am sure it is for the Hon. Speaker to give a ruling. We only assist him in that. It is only for that purpose, I quoted the proceedent. As a matter of fact, the Hon. Speaker is fully aware of the precedents and he has already in his hands the papers relating to the matter that I have just now mentioned. So, it is not a question of my raising it as a new point in my reply. It is for the Hon. Speaker to give his ruling which will be followed."

* SRI M. KALYANASUNDARAM :—" Mr. Speaker, I want to make this submission before you give your ruling in the matter. The Hon. the Leader of the House referred to the precedent of the Lok Sabha. I wish to point out that the relationship that exists between the Lok Sabha and the Rajya Sabha is not the same as that exists between the Assembly and the Council in this State. Because, this House by a resolution can recommend the abolition of the Council in this State. But, the Rajya Sabha cannot be abolished by a resolution of the Lok Sabha. So, the relationship between the two Houses of Parliament in Delhi and the relationship between the Assembly and the Council in this State are entirely different from one another. The precedent quoted by the Hon. Minister cannot hold good in this case. If there are any other points to be considered, we can consider them, Sir. I only wish to point out that the Hon. the Leader of the House cannot depend upon the Lok Sabha precedent."

* SRI M. NARAYANA KURUP :—" Mr. Speaker, inasmuch as you have also raised the Lok Sabha precedent, I wish to make one submission. Even in the matter of legislation, there is difference between the Rajya Sabha and the Council in this State. We all know what happened to the amendments passed by the Council in respect of a particular legislation. The Council in this State can be abolished on a resolution passed by the Assembly. This cannot be done in the case of the Rajya Sabha. There is right to

joint sitting in Parliament in case of dispute in regard to legislation. Moreover, under Article 249 of the Constitution **the Rajya** Sabha can ask the Parliament by a resolution passed by not less than two-thirds of the members present to make certain laws and this resolution will be in force for one year. The Council in this State cannot do any such thing. Therefore, to compare the Legislative Council of this State with the Rajya Sabha at Delhi is something like—to borrow the phrase often used by the Hon. the Finance Minister himself—comparing '*vennai*' (butter) with 'chunam'."

SRI S. RAMALINGAM :—" கனம் சபாநாயகர் அவர்களே, இங்கிலாந்திலுள்ள பார்லிமெண்டின் நடவடிக்கை சம்பந்தமாக என்ன முறை கையாளப்படுகிறதோ அதே முறையைத்தான் தாங்களும் கூடுமானவரை கையாண்டு, அதையனுசரித்தே இங்கு 'ரூலிங்' கொடுத்துவருகிறீர்கள். இந்த விஷயத்தில் இங்கிலாந்திலுள்ள பார்லிமெண்டுக்கும் லார்ட்ஸ் சபைக்கும் உள்ள உறவு முறைக்கும் இங்குள்ள இரு சபைகளின் உறவு முறைக்கும் வித்தியாசம் இருக்கிறதா ?"

MR. SPEAKER :—" லார்ட் சபைக்கு தேர்தல் மூலமாக அங்கத்தினர்கள் தேர்ந்தெடுக்கப்படுவது கிடையாது. ஒரு பிரபு அங்கத்தினராக இருந்தால் அவருக்குப் பின் அவருடைய மகன் அங்கத்தினராவார். ஆனால், இங்கு அப்படியல்ல. இங்கு தேர்தல் முறை அனுஷ்டிக்கப்படுகிறது."

* SRI K. VINAYAKAM :—" Mr. Speaker, may I know whether you will be kind enough to tell us by way of information, what is the practice followed in England by the Mother Parliament. We will abide by what you say with regard to the Lok Sabha precedent. But we would like to know what is the practice that is followed in England."

MR. SPEAKER :—" In England they have the Upper House, which is the House of Lords and the Lower House, which is the House of Commons. We do not have any such thing here. Again, Members of the House of Lords belong to Royal families and other noble families. They are not elected to that House. But, here Members of the Council are elected."

* SRI K. VINAYAKAM :—" Sir . . ."

THE HON. SRI C. SUBRAMANIAM :—" Sir, the hon. Member has made his submission already. What is the point in going on repeating it?"

* SRI K. VINAYAKAM :—" Sir, I am not belittling the talents or experience of the Members belonging to the Council. Their presence in the Committee, though they are denied the privilege of voting, will amount indirectly to influencing and members serving on the Committee. It is for that very reason that we say that we do not want them to serve on our Committee."

MR. SPEAKER :—" I shall give my ruling on the point of order. It is left to the House to accept it or not."

10-20 a.m * SRI T. ANANTA PAI :—" Mr. Speaker, Sir, the Hon. the Leader of the House said that these Members are just associate Members without having the privilege or the right of voting. If I have understood him correctly, what happened in the Lok Sabha cannot be quoted as a precedent. There the Hon. Speaker has given the ruling that such Members would have equal rights of voting and enjoy the same privileges as Members elected to the Committee by the Lok Sabha. That being so, are we creating a new precedent of associating these Members without the right or privilege to vote? Are there any such precedents anywhere in other State Assemblies in India, where the Members of the Legislative Council have been associated with the Public Accounts Committee? "

MR. SPEAKER :—" In one or two Assemblies I think similar motions have been carried and Members of the Council are associated with the Public Accounts Committee. I do not exactly remember the names of State Assemblies which have adopted such motions.

" As I have already told the House, when a similar motion was moved in the Lok Sabha, a similar point of order as has been raised now, was also raised there by Mr. T. N. Singh. I will read to hon. Members the explanation given by the Hon. Speaker of the Lok Sabha. 'It seems that there is some misconception on the part of the hon. Member. I think he refers to the motion for election of Members to the Public Accounts Committee and if he sees the motion, he would find that all that is accepted by the House is to recommend to the Council of States that they do agree to nominate seven members . . .' Here also the wording used in the motion is 'That this House recommends to the Legislative Council . . .' Hon Members will therefore find that all that is expected of this House is to recommend to the Legislative Council that they do nominate five members from the Council to associate with the Public Accounts Committee . . .' It is not a question of this House agreeing to the appointment of a joint committee. I must make it clear that this is not a motion for a joint committee. It is only association of the Members of the Council . . ."

* SRI S. SWAYAMPRAKASAM :—" If it be a question of this House recommending the inclusion of certain members of the other House it may lead us to the further position when instead of having some Members of the House associated with the Public Accounts Committee, the Hon. the Leader of the House may come forward with a motion recommending the inclusion of some other experts on the committee. That will be a bad precedent and the acceptance of this motion will lead to that. Now we agree to the association of Members of the Upper House, then it will be a question of associating outsiders. Will it not be a bad precedent? "

1st April 1955]

MR. SPEAKER :—" Why should the hon. Member anticipate such things? "

THE HON. SRI C. SUBRAMANIAM :—" Even now the Accountant-General is associated with the Public Accounts Committee."

SRI M. KALYANASUNDARAM :—" Not as an official Member of the Committee."

MR. SPEAKER :—" I may tell hon. Members that if this motion is accepted, that committee will be under the control of the Speaker and not under the control of the Chairman. I must make that point also clear to hon. Members."

SRI K. VINAYAKAM :—" That does not alter the position, Sir."

MR. SPEAKER :—" As far as the motion is concerned it is perfectly in order. It is for the House to decide whether to accept it or not."

THE HON. SRI C. SUBRAMANIAM :—" Mr. Speaker, Sir, now that you have ruled the point out of order, I do not want . . ."

(The hon. Member Sri K. Vinayakam was standing in his place and trying to speak.)

THE HON. SRI C. SUBRAMANIAM :—" Wait please, let me finish . . ."

MR. SPEAKER :—" Order, order."

SRI K. VINAYAKAM :—" I take strong objection to the Hon Minister trying to threaten an hon. Member when he is trying to explain a point."

MR. SPEAKER :—" Order, order."

SRI K. VINAYAKAM :—" You must call the Hon. Minister to order, Sir, not the Member."

MR. SPEAKER :—" Let him not lose his temper."

SRI K. VINAYAKAM :—" The Hon. Minister is turbulent and trying to . . ."

THE HON. SRI C. SUBRAMANIAM :—" That is what the hon. Member is doing."

(The hon. Member Sri S. Panchaksharam stood up in his place.)

THE HON. SRI C. SUBRAMANIAM :—" Mr. Spearker, Sir, I do not want to carry the motion against the opposition of some of the hon. Members even though it may be a minority section. Therefore I want to withdraw the motion now and move it in the proper atmosphere." (Opposition cheers.)

TRUTH ALONE TRIUMPHS

The motion was by leave of the House withdrawn.

The words ' highly turbulent ' ruled as parliamentary.

SRI S. PANCHAKSHARAM :—" Mr. Speaker, Sir, I want to know whether the word ' turbulent ' is parliamentary. The hon. Member Vinayakam said that the Hon. Minister was ' highly turbulent '."

SRI K. VINAYAKAM :—" It is parliamentary."

MR. SPEAKER :—" Who should say whether it is parliamentary or not? It is not the hon. Member."

SRI K. VINAYAKAM :—" You are the competent authority Sir. I am only giving my opinion about it."

MR. SPEAKER :—" It is parliamentary."

THE HON. SRI C. SUBRAMANIAM :—" Who is turbulent in the House is very well known. I need not press the point further, Sir."

(2) MOTION UNDER RULE 21 (3) OF THE ASSEMBLY RULES *re* CHANGE IN THE ORDER OF BUSINESS.

THE HON. SRI C. SUBRAMANIAM :—" With reference to the business of the House, I would like to suggest a small change in the order. The hon. Members on the other side have agreed to that change, namely, to take the Madras Cinemas (Regulation) Bill, 1954, first and then the Presidency Small Cause Courts (Madras Amendment) Bill, 1954. Therefore, I move, Sir—

' *That under Rule 21 (3) of the Madras Assembly Rules the Madras Cinemas (Regulation) Bill, 1954, be taken up first and then the Presidency Small Cause Courts (Madras Amendment) Bill, 1954.* ' "

The motion was put and carried.

IV.—GOVERNMENT BILLS.

(1) THE MADRAS CINEMAS (REGULATION) BILL, 1954.

THE HON. SRI C. SUBRAMANIAM :—" Mr. Speaker, Sir, I beg to present the Report[a] of the Select Committee on the Madras Cinemas (Regulation) Bill, 1954 (L.A. Bill No. 52 of 1954) and move—

' *That the Bill as amended by the Select Committee be taken into consideration.*'

" Sir, the hon. Members are aware that the Select Committee which was constituted by this House to scrutinize this Bill and submit its report went into the Bill thoroughly and they have submitted a report containing various amendments to the provisions contained in the Bill as originally drafted. The Committee

[a] Printed as Appendix on pages 1063–1067 infra.